

SENATE BILL 395

A2
SB 1086/17 – EHE

8lr1846
CF HB 448

By: **Senators Conway, Oaks, ~~and Robinson~~ Robinson, and Nathan-Pulliam**

Introduced and read first time: January 25, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2018

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages License – Residency and Registered Voter**
3 **Requirements**

4 FOR the purpose of exempting certain individuals who apply for alcoholic beverages
5 licenses for the use of a partnership, corporation, club, or limited liability company
6 in Baltimore City from certain residency and registered voter requirements;
7 establishing certain requirements for the issuance of an alcoholic beverages license
8 to a partnership, corporation, ~~or club~~, or limited liability company in Baltimore City;
9 altering a certain requirement for certain residents who sign a certain petition;
10 making certain conforming changes; and generally relating to applications for
11 alcoholic beverages licenses in Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 12–102
15 Annotated Code of Maryland
16 (2016 Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 12–1401 and 12–1405
20 Annotated Code of Maryland
21 (2016 Volume and 2017 Supplement)

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Alcoholic Beverages
 2 Section 12–1401.1 and 12–1402
 3 Annotated Code of Maryland
 4 (2016 Volume and 2017 Supplement)

5 BY repealing
 6 Article – Alcoholic Beverages
 7 Section 12–1402
 8 Annotated Code of Maryland
 9 (2016 Volume and 2017 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 11 That the Laws of Maryland read as follows:

12 **Article – Alcoholic Beverages**

13 12–102.

14 This title applies only in Baltimore City.

15 12–1401.

16 (a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
 17 of Division I of this article apply in the City without exception or variation:

18 (1) § 4–102 (“Applications to be filed with local licensing board”);

19 [(2) § 4–103 (“Application on behalf of partnership”);

20 (3) § 4–104 (“Application on behalf of corporation or club”);]

21 [(4) (2) § 4–106 (“Payment of notice expenses”);

22 [(5) (3) § 4–108 (“Application form required by Comptroller”);

23 [(6) (4) § 4–111 (“Payment of license fees”);

24 [(7) (5) § 4–112 (“Disposition of license fees”);

25 [(8) (6) § 4–113 (“Refund of license fees”); and

26 [(9) (7) § 4–114 (“Fees for licenses issued for less than 1 year”).

27 (b) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1**
 28 **(“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT**
 29 **APPLY IN THE CITY:**

1 **(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH**
2 **IS SUPERSEDED BY § 12-1401.1 OF THIS SUBTITLE;**

3 **(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
4 **WHICH IS SUPERSEDED BY §§ 12-1401.1 AND 12-1402 OF THIS SUBTITLE; AND**

5 **(3) § 4-110 (“Required information on application — Petition of support”)**
6 **[of Division I of this article does not apply in the City and], WHICH is superseded by §**
7 **12-1405 of this subtitle.**

8 (c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
9 of Division I of this article apply in the City:

10 (1) § 4-105 (“Application on behalf of limited liability company”), subject to
11 **[\$ 12-1402] §§ 12-1401.1 AND 12-1402** of this subtitle;

12 (2) § 4-107 (“Criminal history records check”), subject to § 12-1403 of this
13 subtitle; and

14 (3) § 4-109 (“Required information on application — In general”), subject
15 to § 12-1404 of this subtitle.

16 **12-1401.1.**

17 **(A) AN APPLICATION FOR A LICENSE FOR THE USE OF A PARTNERSHIP**
18 **SHALL BE MADE BY AND THE LICENSE ISSUED TO ALL PARTNERS AS INDIVIDUALS.**

19 **(B) EACH OF THE PARTNERS MUST HAVE RESIDED IN THE STATE FOR AT**
20 **LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.**

21 **(C) THE APPLICATION FOR A LICENSE SHALL STATE THE NAME AND**
22 **ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF EACH APPLICANT.**

23 **(D) (1) THIS SUBSECTION APPLIES TO:**

24 **(I) A CORPORATION; AND**

25 **(II) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

26 **(2) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS**
27 **SUBSECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE**
28 **APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS**
29 **INDIVIDUALS.**

1 **(3) AT LEAST ONE OF THE THREE OFFICERS MUST HAVE RESIDED IN**
2 **THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.**

3 **(4) IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR**
4 **DIRECTORS, ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

5 **(5) IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL**
6 **STOCKHOLDER MAY APPLY FOR A LICENSE IF:**

7 **(I) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
8 **DIRECTORS; AND**

9 **(II) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE**
10 **STOCKHOLDERS.**

11 **(6) AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL**
12 **INCLUDE:**

13 **(I) THE NAME AND ADDRESS OF EACH OFFICER;**

14 **(II) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB;**
15 **AND**

16 **(III) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT**
17 **OF THE CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE**
18 **LICENSE SHALL BE ISSUED.**

19 **(E) (1) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS OF A LIMITED**
20 **LIABILITY COMPANY WHO APPLIES FOR A LICENSE FOR THE USE OF THE LIMITED**
21 **LIABILITY COMPANY SHALL HAVE RESIDED IN THE STATE FOR AT LEAST 2 YEARS**
22 **BEFORE THE APPLICATION IS FILED.**

23 **(2) AN AUTHORIZED INDIVIDUAL UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION IS NOT REQUIRED TO BE A RESIDENT OF THE CITY.**

25 [12-1402.

26 An authorized person of a limited liability company who holds a license for the use
27 of the limited liability company that was granted on or before June 1, 2012, need not be a
28 registered voter in the City.]

29 12-1402.

1 **A REQUIREMENT THAT AN APPLICANT FOR A LICENSE BE A REGISTERED**
2 **VOTER DOES NOT APPLY TO AN INDIVIDUAL WHO APPLIES FOR A LICENSE FOR THE**
3 **USE OF A CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY.**

4 12-1405.

5 The application shall include a petition signed by at least three residents who are
6 owners of real property and registered voters in the [City] STATE stating that:

7 (1) the applicant:

8 (i) is personally known to the signers of the petition; and

9 (ii) has been [a resident or taxpayer of the City for 2 years and] a
10 resident of the State for 2 years preceding the presentation of the application to the signers
11 of the petition;

12 (2) if the applicant is a corporation, at least one of the applicants:

13 (i) is personally known to the signers of the petition; AND

14 (ii) has been [a resident or taxpayer of the City for 2 years and] a
15 resident of the State for 2 years preceding the presentation of the application to the signers
16 of the petition; and

17 [(iii) is a registered voter in the State; and]

18 (3) if the applicant is a partnership, all members of the partnership have
19 been [residents or taxpayers of the City for 2 years and] residents of the State for 2 years
20 preceding the presentation of the application to the signers of the petition.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.